

U.S. Patent Application Serial No. 10/030,185
Amendment filed March 14, 2005
Reply to OA dated December 13, 2004

REMARKS

Claims 1-3, 5, 6, 9-11 and 13-19 are pending in this application.

The amendments to the claims are supported in the specification as follows: Claim 1: (“in place of (I-3)” on p.18-19 showing preferred formulas that may be substituted for (I-3); “x. a case in which ring B” excluding a compound) and Claim 19: (claim 1).

The Applicants respectfully submit that no new matter has been added.

The Applicants greatly appreciate the Examiner indicating on p.3 of the Office Action that claim 18 is allowed.

The Applicants also appreciate that Examiner brought to their attention the fact that the claims are in a potential interference with USP 6,793,984 and US 2004/0006235.

Claims 1-3, 5-6, 9-11, 13-17 and 19 are rejected under 35 USC 112, second paragraph, as being indefinite. (Office Action p.2)

Claim 1 - item c. is not clearly defined because there are X's in formulae I-3 and I-4 which X's are H, F or Cl but not Br or I (halogen)

The relevant portion of claim 1 namely, “c. in (I-4) to (I-9), hydrogen atoms within a ring may be replaced with a cyano group or a halogen)” has been deleted by this amendment. The rejection is now moot.

Claim 1 - the first formula under (I-3) in item d does not read on the formula (I-3)

U.S. Patent Application Serial No. 10/030,185
Amendment filed March 14, 2005
Reply to OA dated December 13, 2004

Claim 1 has been amended to read “in place of (I-3), ring B represents any one of general formulas as follows:” This amendment avoids interpretation that the preferred formula of ring B must read on (I-3). In this case, the preferred formula can be substituted for (I-3).

Claim 1 - the claim language “and applying similarly to compounds equivalent to those above described using combinations of abbreviations” in item ix is vague

The relevant portion of claim 1 “and applying similarly to compounds equivalent to those above described using combinations of abbreviations” has been deleted by this amendment. This rejection is not moot.

Claim 19 - the notation Y is not defined

Since claim 19 is based on claim 1 written in independent, the definition of Y from ultimate independent claim 1 was added to claim 19.

Claims 1-3, 5, 9-10 and 13 are rejected under 35 USC 102(b) as being anticipated by CAPLUS 1969: 481008. (Office Action p.2)

The Office Action cited *a single compound* in a 1969 journal abstract to reject claim 1 and claims dependent thereon. The rejection concerns formula (I-1) in claim 1 when $n=0$, $Y, X^1, X^3, X^4 = F$, and $R=Me$.

U.S. Patent Application Serial No. 10/030,185
Amendment filed March 14, 2005
Reply to OA dated December 13, 2004

This cited compound is excluded from claims 1-3, 5, 9-10 and 13 when claim 1 is amended at the last line as follows:

x. a case in which ring B represents (I-1), Y does not represent a fluorine atom when $n=0$, X^1 , X^3 , $X^4 = F$ and $R = Me$

It is believed that the rejection is now overcome.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

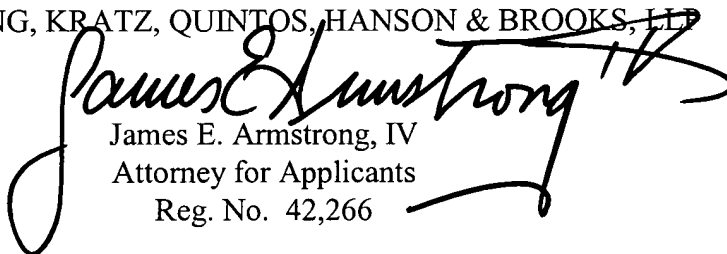
U.S. Patent Application Serial No. **10/030,185**
Amendment filed March 14, 2005
Reply to OA dated December 13, 2004

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


James E. Armstrong, IV
Attorney for Applicants
Reg. No. 42,266

JAM/rk
Atty. Docket No. **020098**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Q:\FLOATERS\JAMIE\020\020098\Amendment re OA of 12-13-04